

## REMARKS

### *Amendments to Specification*

The specification has been amended to include the fact that the slightly elastic band may be twisted to become shorter, and therefore, taut. Applicant believes that no new matter has been added because Figure 2 specifically discloses the band passing through the tube in a twisted fashion.

### *Claim Status*

Claims 1-7 and 14-21 are pending in the Application. The Examiner has allowed claims 14-19 and 21, rejected claims 1, 4-7, and 20, and objected to claims 2, and 3. Applicant has canceled claims 1-13 and 20. Applicant has added claims 22-26. Applicant believes no new matter has been added.

### *Claim Rejections - 35 U.S.C. § 103*

The Examiner rejected claims 1, 4, 5, and 7 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 4,817,551 issued to Matson ("Matson '551"), in view of U.S. Pat. No. 6,510,599 issued to AmRhein ("AmRhein '599"). The Examiner claimed that the teachings of Matson '551 and AmRhein '599 would have motivated one skilled in the art to combine the two prior art devices to create Applicant's rock-climbing machinery. The Examiner also rejected claim 6 under 35 U.S.C. §103(a) as obvious over Matson '551 in view of AmRhein '599 and further in view of U.S. Pat. No. 6,776,317 ("Parker '317"). The Examiner also rejected claim 20 under 35 U.S.C. §103(a) as being unpatentable over Matson '551 in view of AmRhein '599 and further in view of U.S. Pat. No. 6,678,993 issued to Long ("Long '993").

In light of these rejections, Applicant has canceled claims 1, 4, 5, 6, 7, and 20 and added claims 22-25. Specifically, independent claim 1 has been canceled and dependent claims 2 and 3 have been re-written in independent form to overcome the 35 U.S.C. §103(a) rejection. Additionally, dependent claims 4, 5, 6, 7, and 20 have been canceled. Applicant

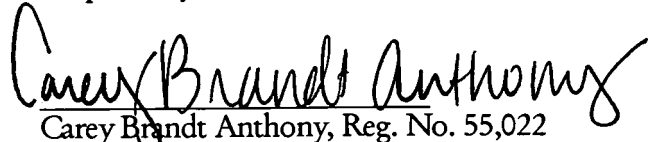
believes that no new matter has been added because the specification and Figure 2 support the elements in claims 22-26.

*Conclusion*

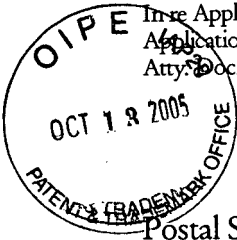
Applicant believes she has addressed and responded to every point raised in the Examiner's present action. For the reasons stated above, Applicant respectfully requests reconsideration of her application.

Date: 10/11/2005

Respectfully submitted,



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In re Application of: Geninatti, Marilyn  
Application No.: 10/796,869  
Atty. Docket No.: PHLV068-001

Art Group: 3632  
Examiner: Szumny, Jonathon A.

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage paid, in an envelope addressed to:

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on 10-11-05

By *Gordon Venable*